



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

## Finance Office Department

300 Sixth Street

Telephone: (605) 394-4143

FAX: (605) 394-2232

Web: [www.rcgov.org](http://www.rcgov.org)

March 15, 2019

MuckRock News  
DEPT MR 68471  
411A Highland Ave.  
Somerville, MA 02144-2516

Dear MuckRock News,

You have requested certain email records from the City of Rapid City. I am denying your request as those records are exempt pursuant to SDCL 1-27-1.5(12), copied below:

1-27-1.5. Certain records not open to inspection and copying. The following records are not subject to §§ 1-27-1, 1-27-1.1, and 1-27-1.3:

(12) Correspondence, memoranda, calendars or logs of appointments, working papers, and records of telephone calls of public officials or employees;

You have argued that the metadata of email correspondence is distinct from actual correspondence, and therefore is not exempt. While you are correct that SDCL does not speak to metadata explicitly, the subsection above also excludes "records of telephone calls" from mandatory disclosure. Records of telephone calls are much like the records of emails that you are requesting. Therefore, it seems that the intent of this statute is to exclude from mandatory disclosure not only the substance of official communications, but also records thereof. Accordingly, your request for this data is denied.

If you disagree with this denial, you may appeal pursuant to SDCL 1-27-38.

Sincerely,

Pauline Sumption  
Finance Officer